

**IT IS ORDERED**

**Date Entered on Docket: March 9, 2021**



**The Honorable David T. Thuma  
United States Bankruptcy Judge**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

**IN RE:**

**Jack D. Pickel fdba Officer of Alameda Land Investment Corporation dba  
Sole member Alameda Virgin Islands Company LLC fdba Manager/Member  
P.O.S.T. Land Ltd. Company dba Officer of Club Comanche, Inc. dba J.  
Pickel & Company, Inc.**

**Debtor(s)**

**Case No. 12-13262-TA11**

**DEFAULT ORDER GRANTING RELIEF FROM STAY  
OF PROPERTY LOCATED AT 315 Judith's Fancy, St. Croix, VI 00820**

This matter came before the Court on the Motion for Relief from Stay filed on 12/31/2020, Docket No. 304, (the "Motion") by MTGLQ Investors, L.P. ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On 02/01/2021, Movant served the Motion and notice of the Motion (the "Notice") on counsel of record for Debtor(s), Jack D. Pickel, and the case trustee, United States Trustee, (the "Trustee") by use of the Court's case management and electronic

filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor(s) and US Trustee by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

315 Judith's Fancy  
St. Croix, VI 00820

(c) The Notice specified an objection deadline of 21 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on 02/25/2021.

(f) As of 2/26/2021, neither the Debtor(s) nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies under penalty of perjury that on 02/26/2021 McCarthy & Holthus, LLP searched the data banks of the Department of Defense Manpower Data Center ("DMDC") and found that the DMDC does not possess any information indicating that the Debtor(s) is(are) currently on active military duty of the United States.

**IT IS THEREFORE ORDERED:**

1. Pursuant to 11 U.S.C. §362(d), Movant and any and all holders of liens against the Property, of any lien priority, are hereby granted relief from the automatic stay:

(a) To enforce their rights in the Property, including foreclosure of liens and a foreclosure sale, under the terms of any prepetition notes, mortgages, security

agreements, and/or other agreements to which Debtor is a party, to the extent permitted by applicable non-bankruptcy law, such as by commencing or proceeding with appropriate action against the Debtor(s) or the Property, or both, in any court of competent jurisdiction; and

(b) To exercise any other right or remedy available to them under law or equity with respect to the Property.

2. The automatic stay is not modified to permit any act to collect any deficiency or other obligation as a personal liability of the Debtor(s), although the Debtor(s) can be named as a defendant in litigation to obtain an *in rem* judgment or to repossess the Property in accordance with applicable non-bankruptcy law, unless this matter is dismissed or Debtor(s) otherwise do not receive a discharge of this debt.

3. This Order does not waive Movant's claim against the estate for any deficiency owed by the Debtor(s) after any foreclosure sale or other disposition of the Property. Movant may file an amended proof of claim in this bankruptcy case within 30 days after a foreclosure sale of the Property, should it claim that Debtor(s) owe(s) any amount after the sale of the Property.

4. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

5. This Order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.

6. Movant is further granted relief from the stay to engage in loan modification discussions or negotiations or other settlement discussions with the Debtor(s) and to enter into a loan modification with the Debtor(s).

###END OF ORDER###

**RESPECTFULLY SUBMITTED BY:**

**/s/ Jason Bousliman**

**McCarthy & Holthus, LLP**

**Jason Bousliman, Esq.**

**Attorneys for Movant,**

**6501 Eagle Rock NE, Suite A-3**

**Albuquerque, NM 87113**

**(505) 219-4900**

**/s/ submitted electronically 2/26/2021**

**jbousliman@mccarthyholthus.com**

Copies to:

**DEBTOR**

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c/o Club Comanche

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**DEBTOR(S) COUNSEL**

Daniel J Behles

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**CASE TRUSTEE**

United States Trustee

ustpreion20.aq.ecf@usdoj.gov

**US TRUSTEE**

PO Box 608

Albuquerque, NM 87103-0608

**SPECIAL NOTICE(S)**

A+ Realty Services

A+ Realty Services

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c/o Donovan Hamm, Esq.

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110 W. Berry Street, Suite 2202  
Fort Wayne, IN 46802

AT&T  
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P.O. Box 105068  
Atlanta, GA 30348

Bank of America  
Bank of America  
P.O. Box 15019  
Wilmington, DE 19820

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Bank of the Rio Grande  
421 N. Water St.  
Las Cruces, NM 88001

Bank of the Rio Grande, N.A.  
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c/o Atty James A. Roggow  
PO Drawer 1837  
Las Cruces, NM 88004

BuyRuidoso.com  
BuyRuidoso.com  
2927 Sudderth Dr.  
Ruidoso, NM 88345

CenturyLink  
CenturyLink  
PO Box 29040  
Phoenix, AZ 85038

Chase Bank  
Chase Bank  
c/o United Recovery Systems  
5800 N, Course Dr.  
Houston, TX 77072

City Bank New Mexico

City Bank New Mexico  
1096 Mechem Dr., Suite 103  
Ruidoso, NM 88345

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City Bank New Mexico  
c/o Arland & Associates, LLC  
201 Third Street NW, Suite 505  
Albuquerque, NM 87102

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Club Comanche, Inc.  
c/o Robert Waldman  
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Elan  
Elan  
c/o SIMM Associates  
800 Pencader Dr.  
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EOS CCA  
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PO Box 296  
Norwell, MA 02061

Estates of Judith's Fancy Owners Assoc.  
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4048 Estate Judith's Fancy  
Christiansted, VI 00820

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Farm Bureau Bank  
Card Services  
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Philadelphia, PA 19101

FIA CARD SERVICES, N.A.  
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Greensboro, NC 27410

Flagstar Bank  
Attn: Managing Agent

5151 Corporate Dr  
Troy, MI 48098

Green Tree Servicing LLC  
Green Tree Servicing LLC  
c/o Green Tree Servicing LLC  
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HSBC Bank USA N.A.  
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Rose Little Brand & Associates, P.C.  
7430 Washington St NE  
Albuquerque, NM 87109

HSBC Bank USA, N.A.  
HSBC Bank USA, N.A.  
c/o Ocwen Loan Servicing, LLC  
Attn: Bankruptcy Department  
1661 Worthington Road, Suite 100  
West Palm Beach, FL 33409

Internal Revenue Service  
Internal Revenue Service  
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NCO Financial Systems  
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Wilmington, DE 19850

New Mexico Taxation & Revenue Dept.  
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Attn: Bankruptcy  
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Albuquerque, NM 87198

Nicholas Brainard  
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Seascope Pool Center, Inc.  
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Attn: Reorganization  
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